



**US Army Corps  
of Engineers®**

Nashville District

# Public Notice

Public Notice No. 03-74

Date: December 10, 2003

Application No. 200101614

Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214

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**JOINT PUBLIC NOTICE**  
**US ARMY CORPS OF ENGINEERS**  
**TENNESSEE VALLEY AUTHORITY**  
**AND**  
**STATE OF TENNESSEE**

**SUBJECT:** Proposed Wetland Fill and Channel Relocations Associated With State Route 32 Improvements, Grainger/Claiborne Counties, Tennessee

**TO ALL CONCERNED:** The application described below has been submitted for a Department of the Army Permit pursuant to **Section 404 of the Clean Water Act**.

Before a permit can be issued, certification must be provided by the State of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

**APPLICANT:** Tennessee Department of Transportation (TDOT)  
Suite 1200, James K. Polk Building  
Nashville, TN 37243

**LOCATION:** S.R. 32 From: North of Indian Creek to South of Little Sycamore Creek  
Claiborne and Grainger Counties, Tennessee  
Project Start - lat: 36-22-52 lon: 83-26-47  
Project End - lat: 36-25-8 lon: 83-31-00  
USGS - Howard Quarter & Tazewell, Tennessee Quadrangles

**DESCRIPTION:** TDOT proposes to construct 5.94 miles of additional lanes for State Route 32 along the current alignment from north of Indian Creek to south of Little Sycamore Creek. The new construction would consist of four (12') lanes with 10' shoulders, a 14' median with concrete barrier wall, 12' shoulders with 18' typical from edge of shoulder to ditch centerline. The proposal involves placement of fill in wetlands permanently impacting 5.11 acres and 2.19 acres of temporary wetland impact (Sta. 7+471). The proposed work would also impact 6,652' of stream. The work as proposed would result in the deposition of fill material in waters of the United States associated with the road construction. This activity is subject to DA authorization.

**Wetland Impacts** - The proposed permanent discharge of fill material in wetlands would occur at the following locations:

Sta. 4+410 to Sta. 4+450: ±0.40 acres  
Sta. 7+070 to Sta. 7+136: ±0.18 acres  
Sta. 7+632 to Sta. 8+480: ±4.52 acres

**Proposed Wetland Mitigation** - The applicant proposes to mitigate the permanent wetland impacts by debiting 10.22 acres (2:1 ratio for the total loss of 5.11 acres of wetlands) from credits available to TDOT at the Shady Valley Wetland Mitigation Bank. Temporary wetland impacts (2.19 acres) would be mitigated by returning these areas to their original elevations, planting perennial rye, and planting trees.

**Stream Impacts** - Approximately 6,652' of stream impacts consisting of culverting and relocations would occur at the following locations:

Sta. 1+845.768: 125' - Unnamed tributary to Norris Lake (Clinch River)  
Sta. 3+616 to Sta. 3+695: 269' - Unnamed tributary to Norris Lake (Clinch River)  
Sta. 3+614 to Sta. 4+020: 1,209' - Unnamed tributary to Norris Lake (Clinch River)  
Sta. 4+413 to Sta. 5+000: 745' - Unnamed tributary to Big Sycamore Creek  
Sta. 5+040 to Sta. 5+184: 449' - Unnamed tributary to Big Sycamore Creek  
Sta. 5+319: 262' - Caney Creek  
Sta. 7+471: 489' - Caney Creek  
Sta. 7+632 to Sta. 8+481: 525' - Caney Creek  
Sta. 7+767 to Sta. 7+785.20: 194' - Unnamed tributary to Caney Creek  
Sta. 8+875: 409' - Unnamed tributary to Big Sycamore Creek  
Sta. 8+881 to Sta. 9+100: 687' - Unnamed tributary to Big Sycamore Creek  
Sta. 9+734 to Sta. 9+853: 503' - Unnamed tributary to Sycamore Creek  
Sta. 9+842 to Sta. 10+025: 786' - Unnamed tributary to Sycamore Creek

**Proposed Stream Mitigation** - The applicant proposes 4,770' of in-kind replacement for stream impacts on-site in accordance with the Tennessee Department of Environment and Conservation Draft Stream Mitigation Guidelines for the State of Tennessee. As mitigation for the 1,642' of stream encapsulation/length loss (after subtraction of restoration credit), TDOT proposes payment of \$328,400. As mitigation for 66' of rip-rap lined channels, TDOT proposes a payment of \$9,900. As mitigation for 579' of riparian canopy loss, TDOT proposes a payment of \$57,900. TDOT proposes to mitigate for the loss of the stream functions and values by providing a total payment of \$396,200 to the Tennessee Wildlife Resources Foundation for the Tennessee Stream Mitigation program. Trees will be planted on-site where possible as mitigation for channel relocations. Complete in-kind replacements will not be possible at some locations due to existing rock slopes. TDOT proposes to utilize the in-lieu fee program for mitigation at these locations where planting is not possible. See Table 1 located in the attached project plans for a summary of the proposed stream impacts and mitigation.

The proposed project involves the construction of several bridges and culverts within the limits of the 100-year floodplain, and a permanent easement over approximately 12.5 acres (5 hectares) of TVA land for road widening, right-of-way maintenance and culvert placement. For compliance with Executive Order 11988, bridges and culverts are

considered to be repetitive actions in the floodplain that should result in minor floodplain impacts.

There will be flood control and power storage displacement associated with this project. 65,196 CY of Power Storage and 235,096 CY of Flood Storage would be lost. The applicant has provided documentation indicating they have evaluated alternatives to the proposed fill and minimized the quantity of fill needed for the project consistent with the requirements of the TVA Flood Control Storage Loss. TDOT proposes to pay TVA the estimated cost of \$18,000 for the loss of power and flood storage.

In addition to the work identified above, the applicant has requested that the Corps of Engineers verify additional project activities that meet the criteria for authorization under the Nationwide Permit Program [January 15, 2002, Federal Register (Vol. 67, No. 10, pg 2020)]. Activities would involve culvert extensions, channel changes, structural fill for bridge support pilings, and wetland fills.

Representative plans of the proposal are attached to this notice. The complete index of engineered drawings for this project is available for viewing by contacting Carl R. Olsen at (615) 369-7513.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The U.S. Department of Transportation Federal Highway Administration (FHA) and the TDOT completed an environmental assessment for impacts associated with SR32 on July 23, 1993. A supplementary Environmental Assessment will be prepared by this office to evaluate any impacts not addressed in the FHA environmental assessment prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

TDOT has consulted with the Tennessee State Historic Preservation Office (SHPO) regarding potential sites and properties listed in or eligible for the National Register that are known to be in the area of the proposed work. The SHPO issued a letter to TDOT dated August 14, 1998, which stated that the SHPO has no objection to the implementation of the project. Due to an agreement with the SHPO, this letter is to serve as final documentation for this project. Copies of this notice are being sent to the office of the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service – Atlanta for their review.

TDOT has consulted with the U.S. Fish and Wildlife Service (USFWS) regarding 16 federally listed threatened and endangered species in the project area. A biological opinion issued by USFWS on May 18, 1993, concluded that the proposed project is not likely to jeopardize the continued existence of these species if Reasonable and Prudent Measures, Terms and Conditions, were implemented. Six additional species were listed after this biological opinion was written. The USFWS concluded in a letter dated July 17, 2002, a “No Effect” and “Not Likely To Be Adversely Affected” decision regarding these six additional listed species. The Corps of Engineers will consult with the USFWS during the evaluation of this proposal to insure compliance with of the requirements of section 7 of the Endangered Species act of 1973, as amended, are fulfilled.

Other Federal, State, and/or local approvals required for the proposed work are as follows:

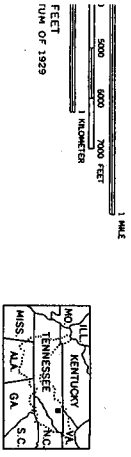
- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.
- b. Water quality certification from the State of Tennessee, in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before January 10, 2004, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Carl R. Olsen, at the above address, telephone (615) 369-7513. It is not necessary to comment separately to TVA

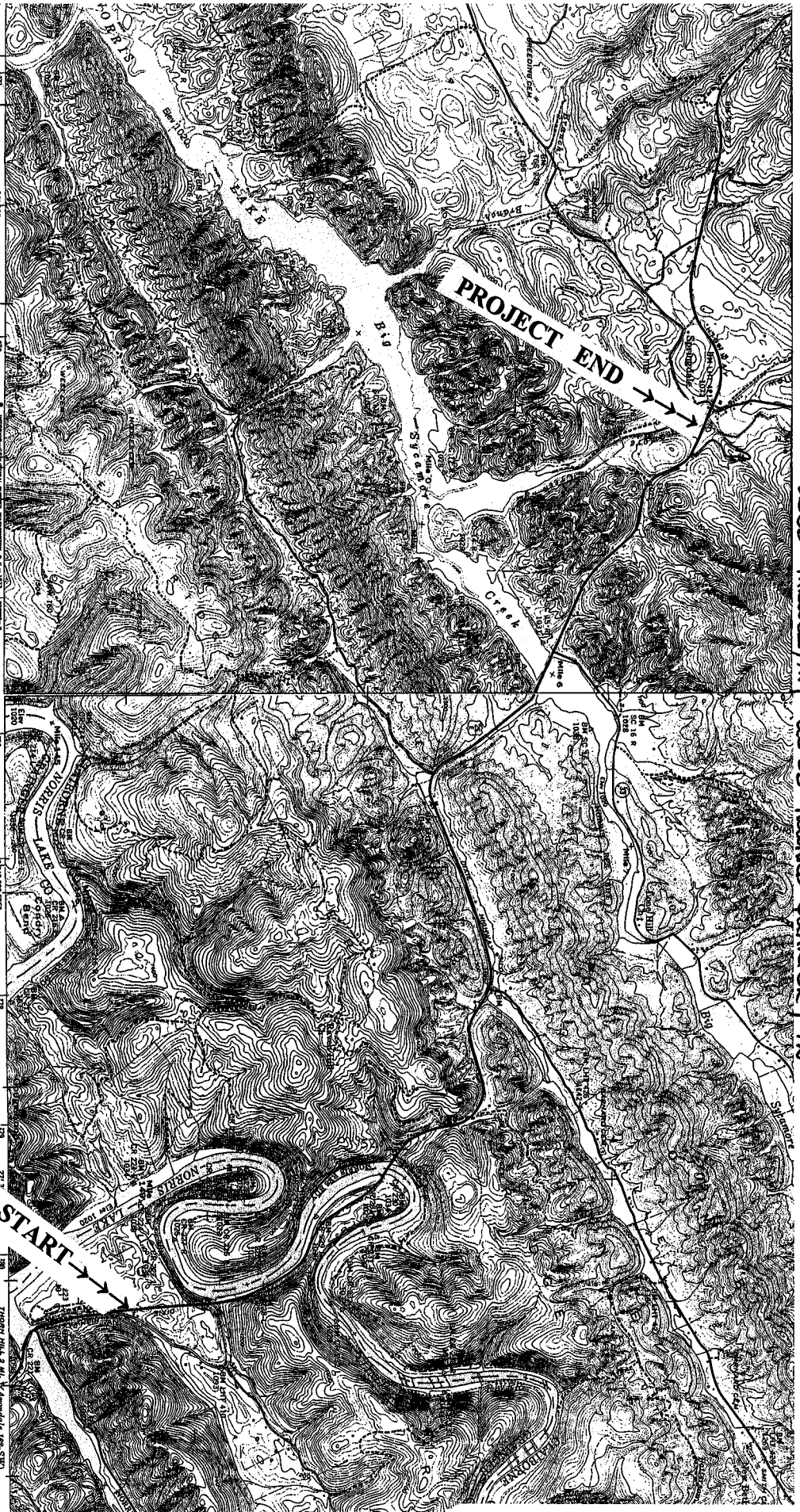
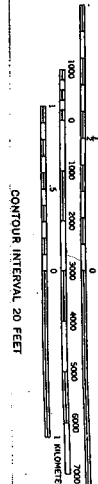
since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to:

Ms. Linda Fowler  
TVA  
Clinch-Powell Watershed Team  
P.O. Box 1589  
Norris, Tennessee 37828



Map scale: 1 inch = 1 mile  
1:24,000  
Scale bar: 0 to 1 mile, 0 to 1 kilometer  
Contour interval: 20 feet

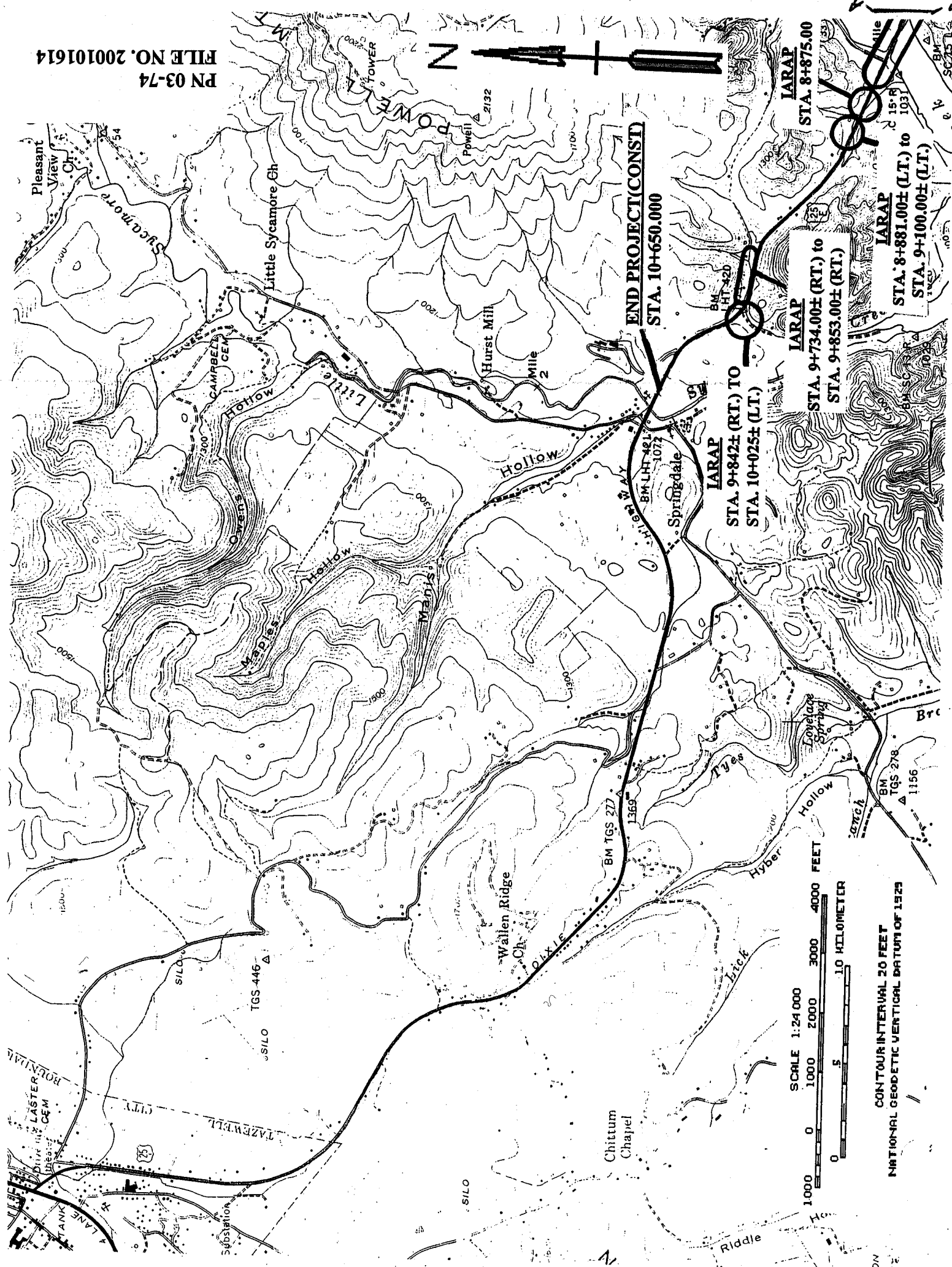
ROAD CLASSIFICATION  
Published by the Tennessee Valley Authority  
Control by USGS, USGS, and TVA  
Topography by USGS by photogrammetric methods  
Map field checked by TVA, 1942  
Polyconic projection, 1927 North American datum



USGS - TAZWELL & HOWARD QUARTER, TENN.

PN 03-74  
FILE NO. 200101614





SCALE 1:24,000  
1000 0 1000 2000 3000 4000 FEET  
0 5 10 KILOMETER

CONTOUR INTERVAL 20 FEET  
NATIONAL GEODETIC VERTICAL DATUM OF 1929

END PROJECT(CONST)  
STA. 10+650.00

IARAP  
STA. 9+842± (RT.) TO  
STA. 10+025± (LT.)

IARAP  
STA. 9+734.00± (RT.) to  
STA. 9+853.00± (RT.)

IARAP  
STA. 8+881.00± (LT.) to  
STA. 9+100.00± (LT.)

IARAP  
STA. 8+875.00

Table 1. Summary of Individual 404 Permit and Individual ARAP Permit Stream Mitigation

Permit I.D.	Impact Stations	Exist. Open Stream Impact M (FT)	Prop. Open Stream Length M (FT)	Total Exist. Structure Length M (FT)	Proposed Structure or Ext. M (FT)	Total Structure Length M (FT)	Surface Area Impact HA (AC)	Replacement Length Required M (FT)	Replacement On-Site Length M (FT)	Surplus Restored Stream Length M (FT)	Total In-Lieu Fee Length M (FT)	In-Lieu Fee Impact I (x 0.50) M (FT)	In-Lieu Fee Impact II (x 0.75) M (FT)	In-Lieu Fee Impact III (x 1.0) M (FT)
IARAP #1	Sta. 1+845.768- Sta. 3+616± (Lt.) to Sta. 3+695± (Lt.)	38 (125)	11.6 (38)	88.785 (291)	16.3 (53)	116.985 (384)	0.004 (0.01)	82 (269)	0	0	67.4 (221)	67.4 (221)	0.00	26.4 (87)
IARAP #2	Sta. 3+616± (Lt.) to Sta. 3+695± (Lt.)	82 (269)	72.5 (238)	9.7 (32)	12.2 (40)	12.2 (40)	0.004 (0.1)	280.5 (920)	0	0	129.2 (424)	71.7 (235)	0.00	57.5 (189)
IARAP #3	Sta. 4+402± (Lt.) to Sta. 4+413± (Lt.)	368.4 (1,209)	373.5 (1,225)	56.5 (185)	12.2 (40)	244.5 (802)	0.01 (0.03)	227 (745)	441 (1,447)	214 (702)	113 (371)	0	0.00	113 (371)
IARAP #4	Sta. 5+400± (Lt.) to Sta. 5+404± (Lt.)	227 (745)	441 (1,447)	348 (1,142)	25.1 (82)	25.1 (82)	0.013 (0.03)	119 (390)	124.5 (408)	0	0	0	0.00	0.00
IARAP #5	Sta. 5+319± Sta. 7+471±	80 (262)	12.2 (40)	0	63.9 (210)	63.9 (210)	0.03 (0.08)	67.8 (222)	0	0	67.8 (222)	0	0	67.8 (222)
I404 #1	Sta. 7+632± (Rt.) to Sta. 8+481± (Rt.)	149 (489)	33 (108)	0	112 (367)	112 (367)	0.07 (0.17)	116 (381)	0	0	116 (381)	0	0	116 (381)
IARAP #7	Sta. 7+767.00± (Rt.) to Sta. 7+785.20 (Lt.)	160 (525)	139 (456)	8.3 (27)	21.8 (72)	21.8 (72)	0.07 (0.18)	146.5 (481)	119 (390)	0	27.5 (90)	0	20 (66)	7.5 (25)
IARAP #8	Sta. 8+875± Sta. 8+881± (Lt.) to Sta. 9+100± (Lt.)	59 (194)	39.5 (130)	39.3 (129)	60.8 (199)	60.8 (199)	0.008 (0.02)	37.5 (123)	0	0	37.5 (123)	37.5 (123)	0.00	0.00
IARAP #9	Sta. 9+734± (Rt.) to Sta. 9+853± (Rt.)	124.7 (409)	22.2 (73)	13.5 (44)	111.8 (367)	111.8 (367)	0.003 (0.01)	116 (381)	0	0	116 (381)	0	0.00	116 (381)
IARAP #10	Sta. 9+853± (Rt.) to Sta. 9+842± (Rt.) to Sta. 10+025± (Lt.)	209.5 (687)	178.5 (586)	8.5 (28)	0	0	0.01 (0.02)	218 (715)	178.5 (586)	0	39.5 (130)	0	0.00	39.5 (130)
IARAP #11	Sta. 9+734± (Rt.) to Sta. 10+025± (Lt.)	153.3 (503)	142.3 (467)	12.2 (40)	0	0	0.03 (0.08)	165.5 (543)	142.3 (467)	0	23.2 (76)	0	0.00	23.2 (76)
GARAP #3	Sta. 5+430± (Lt.) to Sta. 6+060± (Lt.)	239.5 (786)	128 (420)	40.9 (134)	96.8 (318)	96.8 (318)	0.07 (0.18)	273.2 (896)	168 (551)	0	105.2 (345)	0	0.00	105.2 (345)
GARAP #4	TOTALS	0	0	0	0	0	0	0	0	27 (89)	0	0	0.00	0.00
		2,027.4 (6,652)	1,777.8 (5,636)	633.285 (2,078)	793.4 (2,603)	882.185 (2,894)		1,963.3 (6,441)	1,453.8 (4,770)	287.5 (945)	868.7 (2,850)	176.6 (579)	20 (66)	672.1 (2,205)

Table 2. Summary of Wetland Impacts

Permit I.D.	Impact Stations	Perm. Wetland Impacts ha (ac.)	Temp. Wetland Impacts ha (ac.)
IARAP #4	Sta. 4+413± (Lt.) to Sta. 5+000± (Lt.)	0.1625 (0.40)	0
IARAP #6	Sta. 7+070± (Lt.) to Sta. 7+136± (Lt.)	0.0733 (0.18)	0
I404 #1	Sta. 7+632± (Rt.) to Sta. 8+481± (Rt.)	1.8302 (4.52)	0.8872 (2.19)
	TOTALS	2.068 (5.11)	0.8872 (2.19)

**In-lieu Fee**

**Impact I:** Loss of riparian canopy on proposed stream relocation, channel modifications that deviate from or degrade the proper pattern, profile, dimension, and/or stream habitat (riffles, pools, structures, etc.), and synthetic channel liners along banks. (\$100/ft)  
( x 0.50)

**Impact II:** Riprap lined channels (bottom & sides), channel modifications that significantly increase the existing channel cross sections to convey flood flows, riprap or concrete line stream banks (both banks), impoundments (\$150/ft)  
( x 0.75)

**Impact III:** Culverts/Filling, loss of stream length, concrete lined channels (bottom & sides) (\$200/ft)  
( x 1.0)

\* Restoration credit ratio 1.5:1 as stated in Appendix B of TDEC Draft Stream Mitigation Guidelines for the State of Tennessee

**Restoration Credit\***

Surplus restored stream length = 257.5 (845)

257.5/ 1.5 = on-site restoration credit = 171.7 m (563 ft)

**In-lieu Fee Costs**

**Explanation:** 672.1 (2,205) In-lieu fee Impact III length

minus 171.7 (563) On-site restoration credit

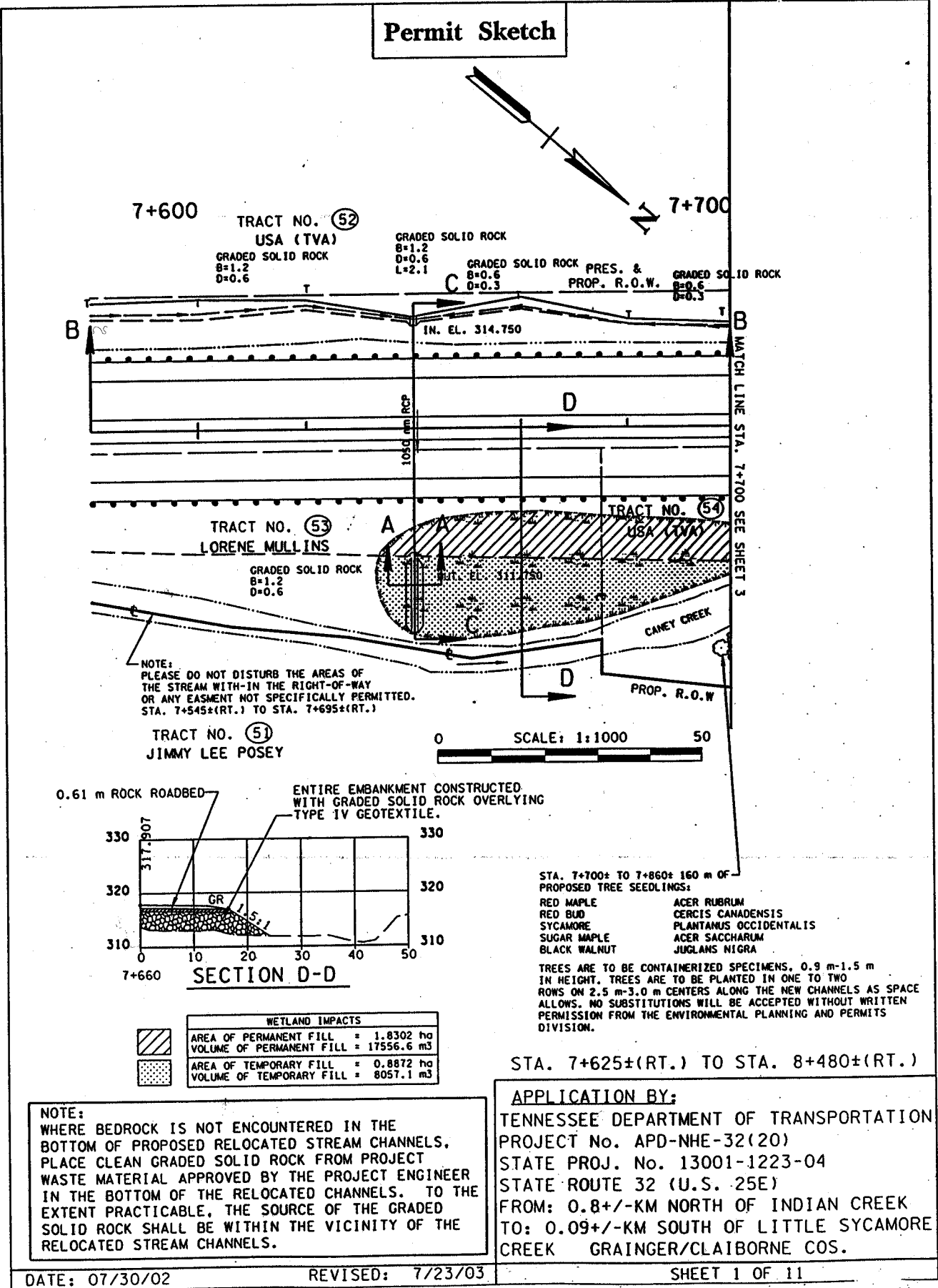
500.4 (1,642) Remaining Impact III in-lieu fee length required

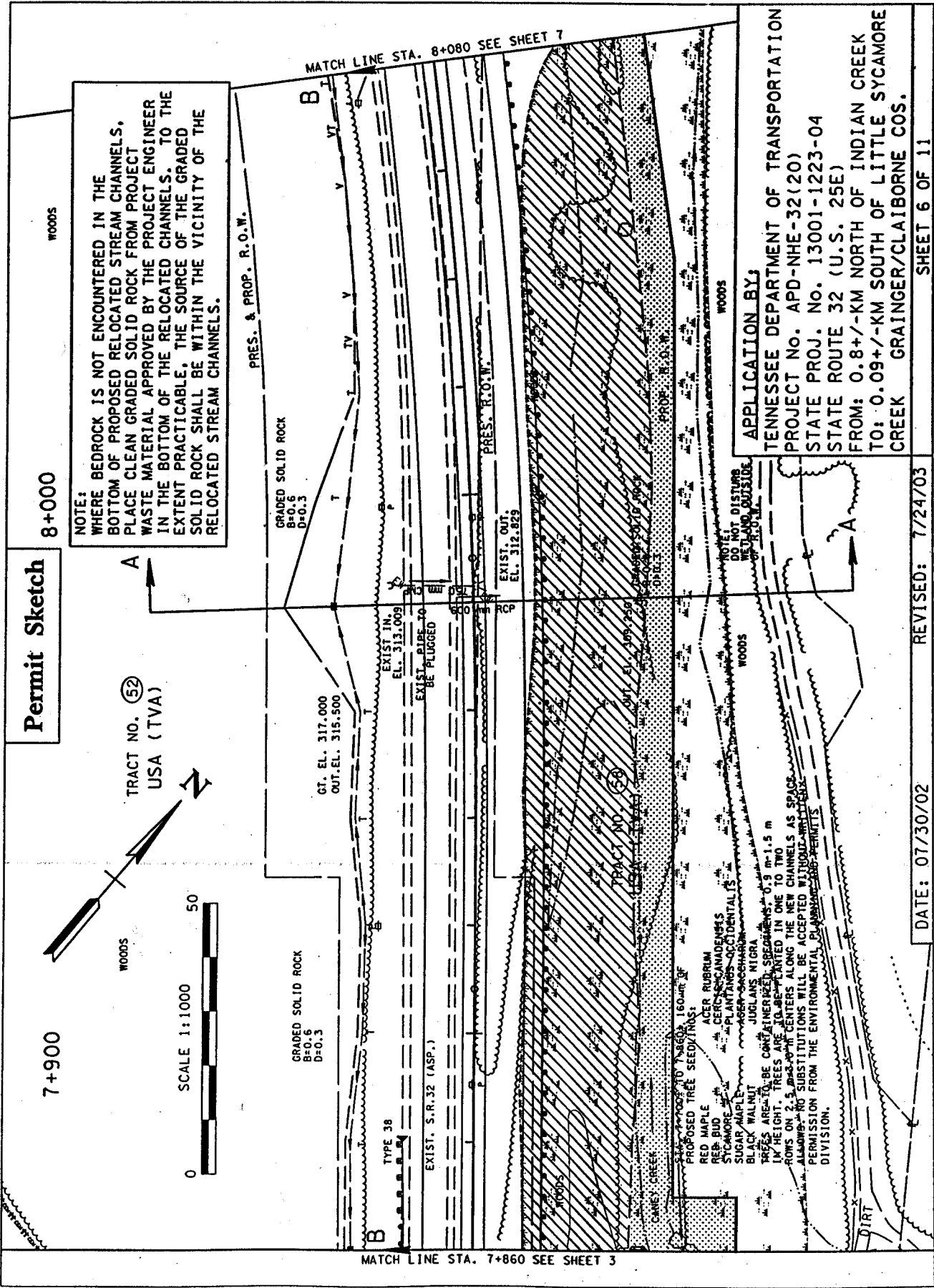
Impact III Length = 500.4 m (1,642 ft) @ \$200/ft = \$328,400

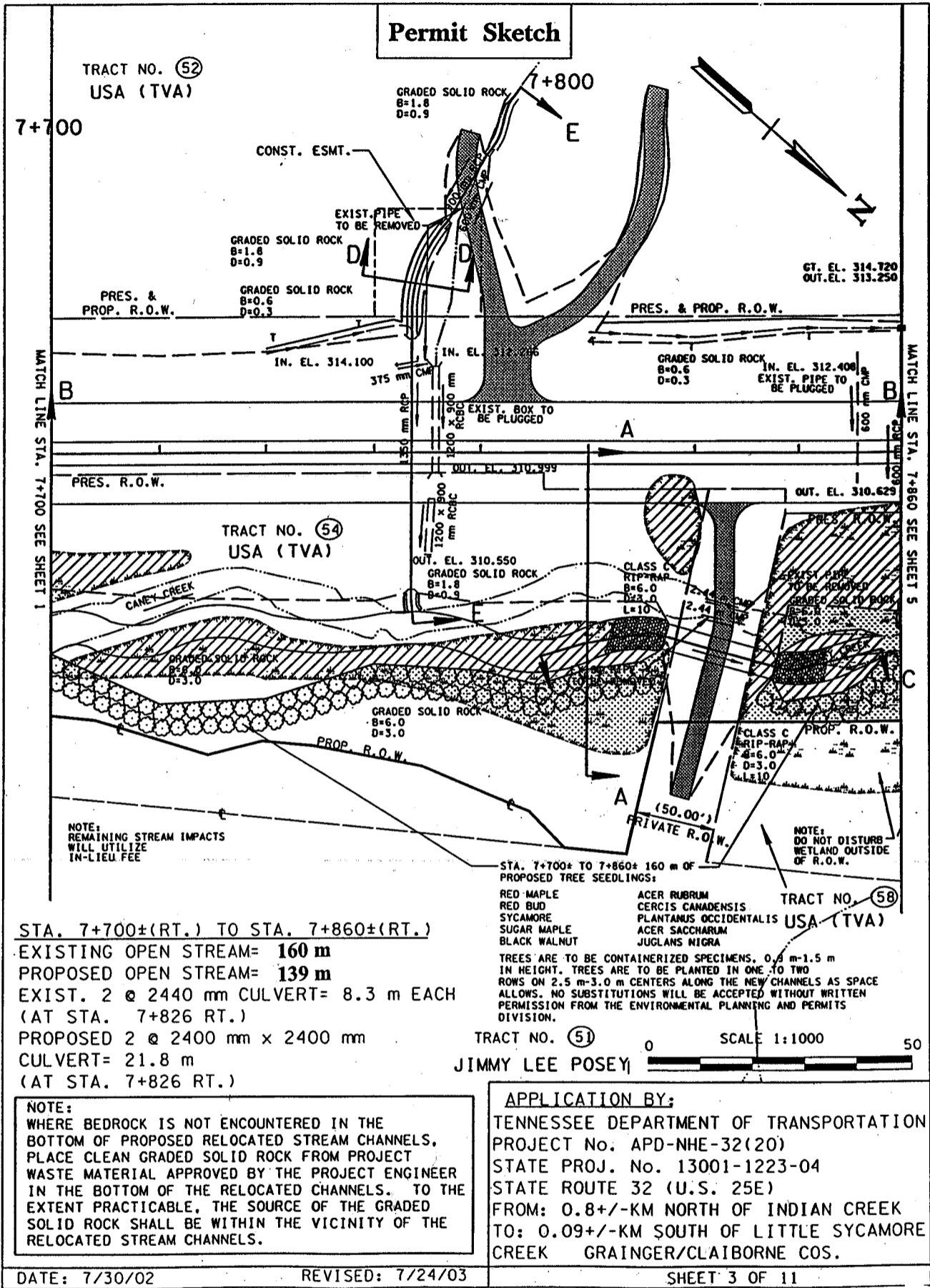
Impact II Length = 20 m (66 ft) @ \$150/ft = \$9,900

Impact I Length = 176.6 m (579 ft) @ \$100/ft = \$57,900

**TOTAL = \$396,200 In-lieu Fee**



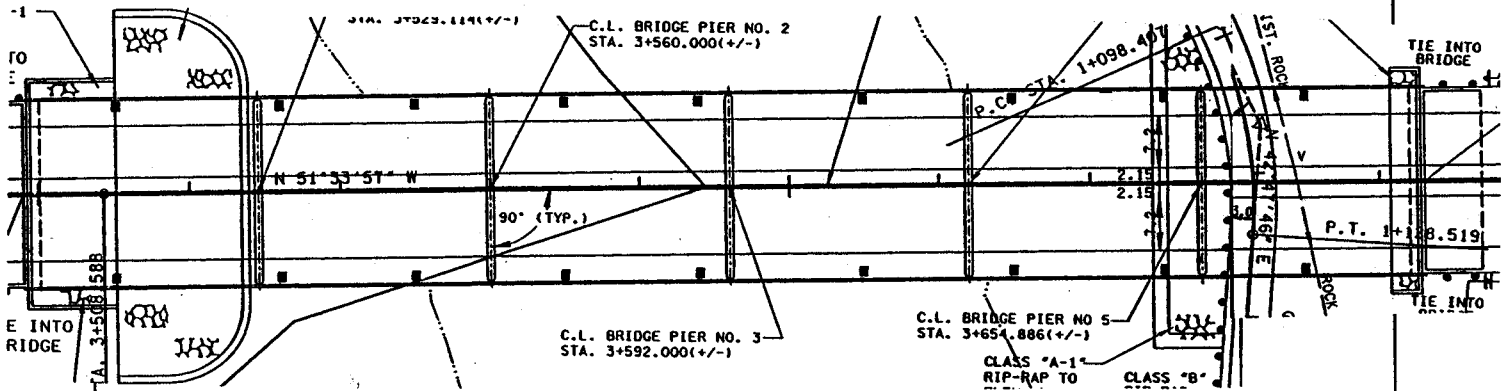




PERMIT SKETCH

SCALE: 1:1000

3+600



Proposed = 188 m (617 ft), 6-span  
concrete deck girder bridge.

GARAP #2

APPLICATION BY:

TENNESSEE DEPARTMENT OF TRANSPORTATION  
PROJECT NO. 13001-1223-04 APD-NHE-32 (20)  
SR-32

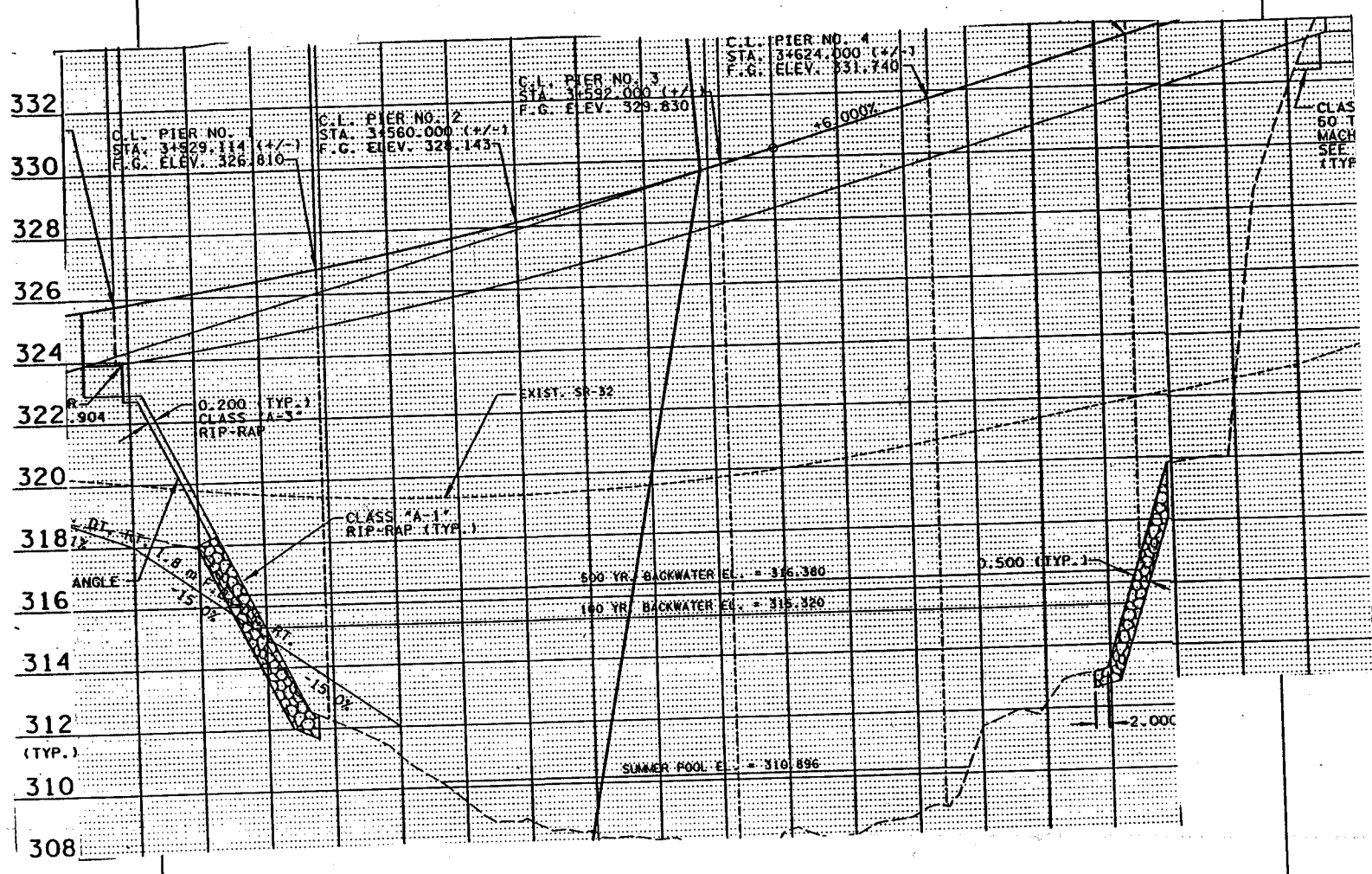
FROM: NORTH OF INDIAN CREEK  
TO: SOUTH OF LITTLE SYCAMORE CREEK  
CLAIBORNE COUNTY  
NEAR: TAZEWELL, TENNESSEE

DATE 4/29/03

SHEET 1 OF 2

PN 03-74  
FILE NO. 200101614

PERMIT SKETCH



SCALE: 1:1000 Horiz.  
1:200 Vert.

APPLICATION BY:  
TENNESSEE DEPARTMENT OF TRANSPORTATION  
PROJECT NO. 13001-1223-04 APD-NHE-32 (20)  
SR-32  
FROM: NORTH OF INDIAN CREEK  
TO: SOUTH OF LITTLE SYCAMORE CREEK  
CLAIBORNE COUNTY  
NEAR: TAZEVELL, TENNESSEE  
SHEET 2 OF 2

DATE 4/29/03

PN 03-74  
FILE NO. 200101614